

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

The ESTATE OF JOSEPH LOPEZ,)	
by administrator Joe Lopez,)	
)	
Plaintiff,)	
)	
v.)	1:22CV421
)	
Greensboro Police Department Officer)	
MATTHEW HAMILTON, and the CITY)	
OF GREENSBORO,)	
)	
Defendants.)	

ORDER

This matter came before the Court for an initial pretrial conference hearing on November 15, 2022. All parties submitted Individual Rule 26(f) Reports and Joint Local Rule 5.5 Reports for the Court's review. (*See* Docket Entries 37-42.) After review of the reports and consideration of the parties' arguments, the undersigned concludes that discovery shall commence in this action and sets forth the following scheduling order:¹

- Discovery shall commence on December 1, 2022.
- Initial disclosures required by Fed. R. Civ. P. 26(a)(1) shall be due by December 15, 2022.

¹ Defendant Matthew Hamilton has a pending motion for judgment on the pleadings (Docket Entry 20) and a motion to stay this action until resolution of the related criminal charges pending against him in the Superior Court of Guilford County, North Carolina (*see* Docket Entry 25). The undersigned is aware that the ruling on said motions may potentially impact both the scope of discovery in this matter and/or the timing of discovery.

- Scope of discovery: Discovery will be needed on Plaintiff's claims and Defendants' defenses thereto, Plaintiff's damages, and all other relevant nonprivileged matters within the scope of Fed. R. Civ. P. 26, provided that either party may assert objections based on relevance, proportionality or any other basis allowed under Fed. R. Civ. P. 26.²
- Discovery shall be pursuant to an Exceptional case management track as modified herein.
- The completion date of all discovery (general and expert) shall be September 1, 2023.
- The parties shall serve no more than 30 interrogatories and requests for admission per party and depositions are limited to 15 depositions of non-parties (excluding experts) for each side (i.e., 15 depositions for Plaintiff and 15 depositions for Defendants), in addition to depositions of parties and experts.
- Reports required by Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) are due during the discovery period:
 - o From Plaintiff by June 1, 2023.
 - o From Defendants by July 1, 2023.
 - o Plaintiff's Rebuttal reports, if any, by August 1, 2023.
- Supplementations will be as provided in Rule 26(e) or as otherwise ordered by the court.

² The parties are urged to work cooperatively in discovery regarding disputes on the scope of discovery and should seek to resolve any disputes without Court intervention.

- Mediation shall occur late in the discovery period, the exact date to be set by the mediator in consultation with the parties. The parties shall file an appropriate notice of selection of a mediator with the Court within 21 days of this Order. If the parties cannot agree on a mediator within 21 days of this Order, the mediator shall be selected by the Clerk from the Court's panel of mediators.
- Preliminary Deposition Schedule: All nonexpert depositions shall be completed 60 days prior to the date for the completion of all discovery. Any expert depositions shall be completed by the date for the completion of all discovery. The parties may update this schedule at reasonable intervals.
- The parties shall have until 120 days after the commencement date of discovery to request leave to join additional parties or amend pleadings. After this date, the Court will consider, *inter alia*, whether the granting of leave would delay trial.
- The parties have not consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c).
- Trial of the action is expected to take approximately 5-14 days. A jury trial has been demanded.
- Dispositive motions shall be filed no later than 30 days following the close of the discovery period.
- Unless an alternative procedure is proposed and approved by the Court, the parties shall use the default procedures of Local Civil Rule 5.4(c) regarding filing documents under seal.

IT IS FURTHER ORDERED that the parties' Individual Rule 26(f) Reports and Local Rule 5.5 Reports (Docket Entries 19, 22, 37-42) be **TERMINATED**.

/s/ Joe L. Webster
United States Magistrate Judge

Date: November 18, 2022